

April 3, 1974

they have the right to sell their land to anybody they want to. And I don't think what Senator Kennedy is going to talk about has anything to do with the bill at all. Which is his personal difficulty with purchasing some right of way with the railroad itself, it has nothing to do with this bill. The Game committee appeared in favor of the bill, because they may one time want to purchase some, but remember this, the Department of Roads appeared in favor of the bill because there are some cases where they would like to purchase the railroad right of way for roads, and this present law prevents them from doing so, therefore, that's the explanation of the bill, and generally speaking the railroads sell the abandoned right of way, unless it's a reversion right of way, which goes in automatically to the adjoining landowner, because they gave it in the first place. But if the railroad has purchased it, originally, the railroad generally sells to the adjoining landowner. Generally. Not always. But if they would sell to the adjoining landowner, and the Highway Department would find out that they needed this land, and it's already gone, then the only the State could purchase it, even with the Legislature's consent would be by condemnation, and I think this will be an improvement over what we now have, and this returns the statutes back to the way they were originally until about two or three years ago.

PRESIDENT: Senator Maresh.

SENATOR MARESH: Mr. Speaker and members of the Legislature. I move that this bill be indefinitely postponed. In 1971, I had a bill, LB662 I believe is the number, that places on the books state agencies ... to prevent state agencies from taking these abandoned right of ways, and I would hate to see this taken off the books, because I think this is real good, that the farmer has the first chance to purchase this abandoned right of way. And at the hearing the only ones that appeared for the bill were the state agencies and the railroad people, and I had a lot of letters from farm people, saying that they do not wish to change this law. They want to have the first opportunity and also they stated that many times this prevents their irrigation system from being installed, these Puma type systems cannot be installed when the railroads cut the farm into. And the same thing with ditch irrigation or have gated pipe, when you have to level the land, you need to go across the whole farm when the land lays in that slants in the direction, and when you have a railroad right of way, you can't level the

(End Belt 20A)

(Start Belt 21A)

land. If the Game Commission takes this over, they will allow weeds to grow, musk thistles will infest the neighboring farms, and it will also cause fire hazards. And at this time when we need an increase in food production I think we should concentrate on allowing this land to be put into food production instead of for game reserves, which are very poor game reserves, they are narrow strips of land, and a hunter can go through in the morning and that's the end for the day, the birds leave, and rabbits or whatever they are hunting for, and many times pheasant would land in the neighboring farm and the farmer has his place posted this